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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 11, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

06od-117

Oahu

Amend Prior Board Action of June 9, 2006, under Agenda Item D-12, for Issuance of Direct Lease to Jeffrey Isao Tsuzuki and Charlotte Chiemi Higa for Private, Noncommercial Pier Purposes, Kaneohe, Oahu, TMK: 1st/ 4-4-18:80 Seaward

REMARKS:

This is a request to amend Board action of June 9, 2006, under agenda item D-12, for issuance of a direct lease to Jeffrey Isao Tsuzuki and Charlotte Chiemi Higa for private, noncommercial pier purposes.

The "Consideration" section stated: "One-time payment to be determined by staff appraiser based on the Kaneohe Bay Piers Amnesty program formula, subject to review and approval by the chairperson." This new pier does not qualify for the Kaneohe Bay Pier Amnesty Program (amnesty program) as the program is to legalize unauthorized piers. Therefore the appraisal cannot use the 2000 assessed value as the basis for valuation of the pier lease. Pier leases issued in the amnesty program commence July 13, 2001. The subject lease for this new pier will commence on the execution date of the lease. Therefore staff recommends the appraisal to be done based upon an effective date of June 9, 2006.

Accordingly, staff recommends correcting the prior Board submittal by revising the consideration section.

RECOMMENDATION:

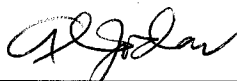
That the Board amend the prior Board action of June 9, 2006, under agenda item D-12 as follows:

1. Correct the Consideration section to read: " One-time payment to be determined by staff appraiser based on the Kaneohe Bay Piers Amnesty program formula using the current assessed value, subject to review and approval by the chairperson.
2. Such other terms and conditions as may be prescribed by the

August 11, 2006

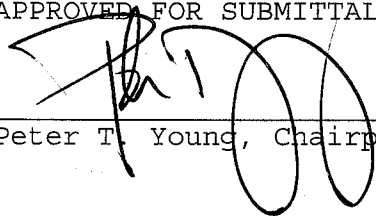
Chairperson to best serve the interests of the State.

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 9, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 06od-117

OAHU

Issuance of Direct Lease to Jeffrey Isao Tsuzuki and
Charlotte Chiemi Higa for Private, Noncommercial Pier
Purposes, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-4-
18:80 seaward.

APPLICANT:

Jeffrey Isao Tsuzuki, unmarried, and Charlotte Chiemi Higa,
unmarried, as joint tenants, whose mailing address is 225 Queen
Street, #7D, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Act 261 and Section 171-53 (c), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kaneohe, Koolaupoko,
Oahu, identified by Tax Map Key: (1) 4-4-18:80 seaward, as shown
on the attached map labeled Exhibit A.

AREA:

260 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

APPROVED BY THE
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD

June 9, 2006

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Private noncommercial pier purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by staff appraiser based on the Kaneohe Bay Piers Amnesty Program formula, subject to review and approval by the Chairperson.

EASEMENT TERM:

55 years.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Conservation District Use Permit (OA-3289) approved by the Board on April 13, 2006, Agenda Item K-5.

DCCA VERIFICATION:

Not applicable. The Applicants, as landowners, are not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey map and description according to State DAGS standards and at applicant's own cost.

REMARKS:

The applicants received their Conservation District Use Permit (OA-3198) Board approval on April 13, 2006, agenda item K-5. One of the CDUP conditions requires the applicants to obtain a land disposition for the use of State land.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Staff did not solicit comments from other government agencies.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling all of the Applicant requirements listed above:

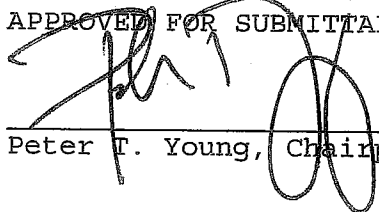
1. Authorize the issuance of a direct lease to Jeffrey Isao Tsuzuki and Charlotte Chiemi Higa covering the subject area for pier purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current pier lease document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;
 - D. Applicant shall comply with all of the conditions stated in CDUP OA-3289, as approved by the Board on April 13, 2006, agenda item K-5.

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

EXHIBIT "A"